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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,424	03/07/2002	Manuel Nedbal	550-320	7926
23117	7590	07/01/2005	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			NAHAR, QAMRUN	
			ART UNIT	PAPER NUMBER
			2191	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/092,424	NEDBAL, MANUEL
	Examiner	Art Unit
	Qamrun Nahar	2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 March 2005.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-45 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-45 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This action is in response to the amendment filed on 3/16/05.
2. The objections to the disclosure are withdrawn in view of applicant's amendment.
3. The objections to the claims are withdrawn in view of applicant's amendment.
4. The rejection under 35 U.S.C. 102(e) as being anticipated by Presley (US 2003/0105838 A1) to claims 1-45 is withdrawn in view of applicant's submission of declaration under Rule 131 Swearing Behind the Presley reference.
5. Claims 2, 6, 14, 17, 21, 29, 32, 36 and 44 have been amended.
6. Claims 1-45 are pending.
7. Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Hammack (U.S. 6,449,624).

### *Response to Amendment*

#### *Claim Rejections - 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Hammack (U.S. 6,449,624).

**Per Claim 1:**

The Hammack patent discloses:

- a computer program product for controlling a computer to validate program configuration data (column 3, lines 37-47)**
- comparing code operable to compare an XML data representation of said program configuration data with data defining valid program configuration data; wherein, if said XML data representation does match said data defining valid program configuration data, then triggering code is operable to trigger a valid program configuration response (column 12, lines 25-36; column 14, lines 34-47; and column 21, lines 33-49).**

**Per Claim 2 (Amended):**

The Hammack patent discloses:

- wherein said program configuration data is one of: operating system registry data specifying configuration parameters of an application program; program initialization data specifying configuration parameters of an application program; and XML data directly specifying configuration parameters of an application program (column 21, lines 33-49).**

**Per Claim 3:**

The Hammack patent discloses:

**- comprising mapping code operable to map between said program configuration data and an XML data representation of said program configuration data** (column 21, lines 33-49).

**Per Claim 4:**

The Hammack patent discloses:

**- wherein said data defining valid program configuration data is one of: XSD data defining a valid XML data representation; and DTD data defining a valid XML data representation** (column 21, lines 33-49).

**Per Claim 5:**

The Hammack patent discloses:

**- wherein said comparing code is part of an XML parser** (column 21, lines 66-67 to column 22, lines 1-8).

**Per Claim 6 (Amended):**

The Hammack patent discloses:

**- wherein said XML parser further provides validation of XML data other than said XML data representation of said program configuration data** (column 21, lines 66-67 to column 22, lines 1-8).

**Per Claim 7:**

The Hammack patent discloses:

**- wherein said mapping code is operable to map between said program configuration data and said XML data representation via a DOM data representation of said program configuration data** (column 21, lines 33-49).

**Per Claim 8:**

The Hammack patent discloses:

**- comprising editing code operable to edit said DOM data representation of said program configuration to provide modified program configuration to be validated** (column 21, lines 33-49).

**Per Claim 9:**

The Hammack patent discloses:

**- wherein said comparing code is executable by a program configuration managing computer and said valid program configuration response comprises sending validated program configuration data to a managed computer for use by said managed computer** (column 14, lines 34-47).

**Per Claim 10:**

The Hammack patent discloses:

**- wherein said validated program configuration data is sent from said program configuration managing computer to said managed computer as said XML data representation** (column 14, lines 34-47 and column 21, lines 33-49).

**Per Claim 11:**

The Hammack patent discloses:

**- wherein said comparing code is executable by a managed computer which receives program configuration data from program configuration managing computer and said valid program configuration response comprises configuring a program on said managed computer using said validated program configuration data** (column 14, lines 34-47).

**Per Claim 12:**

The Hammack patent discloses:

**- wherein said validated program configuration data is sent from said program configuration managing computer to said managed computer as said XML data representation** (column 14, lines 34-47 and column 21, lines 33-49).

**Per Claim 13:**

The Hammack patent discloses:

**- a computer program product for providing program configuration data for a computer** (column 3, lines 37-47)

**- receiving code operable to receive an XML data representation of said program configuration data at said computer; mapping code operable to map between said XML data representation and said program configuration data; and configuration code operable to at least one apply said program configuration data to said computer and retrieve said program configuration data from said computer** (column 12, lines 25-36; column 14, lines 34-47; and column 21, lines 33-49).

**Per Claim 14 (Amended):**

The Hammack patent discloses:

**- wherein said program configuration data is one of: operating system registry data specifying configuration parameters of an application program; and program initialization data specifying configuration parameters of an application program** (column 21, lines 33-49).

**Per Claim 15:**

The Hammack patent discloses:

**- wherein mapping between said XML data representation and said program configuration data is via a DOM data representation of said program configuration data** (column 21, lines 33-49).

**Per Claims 16, 17 (Amended), 18-20, 21 (Amended), 22-28, 29 (Amended) & 30:**

These are method versions of the claimed computer program product discussed above (claims 1-15, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Hammack.

**Per Claims 31, 32 (Amended), 33-35, 36 (Amended), 37-43, 44 (Amended) & 45:**

These are apparatus versions of the claimed computer program product discussed above (claims 1-15, respectively), wherein all claim limitations also have been addressed and/or

covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Hammack.

***Response to Arguments***

10. Applicant's arguments, see arguments/remarks pg. 16, par. 1 to pg. 17, par. 2; and declaration under Rule 131 Swearing Behind the Presley reference, with respect to the rejection(s) of claim(s) 1-45 under Presley have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hammack (U.S. 6,449,624).

***Conclusion***

11. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QN  
June 22, 2005



TUAN DAM  
SUPERVISORY PATENT EXAMINER